

1 Sean P. DeBruine (SBN 168071)  
2 ALSTON & BIRD LLP  
3 Two Palo Alto Square  
3000 El Camino Real, Ste 400  
3 Palo Alto, CA 94306-2112  
4 Phone: (650) 838-2000  
4 Fax: (650) 838-2001  
5 sean.debruine@alston.com  
5  
6 Kristine M. Brown (Georgia SBN 480189)  
6 Matthew D. Richardson (Georgia SBN 231474)  
7 ALSTON & BIRD LLP  
7 One Atlantic Center  
8 1201 West Peachtree Street  
8 Atlanta, GA 30309-3424  
9 Phone: 404-881-7000  
9 Fax: 404-881-7777  
10 kristy.brown@alston.com  
10 matt.richardson@alston.com  
11 Paul Schlaud (Texas SBN 24013469)  
11 Matthew H. Frederick (Texas SBN 24040931)  
12 Reeves & Brightwell  
12 221 West Sixth Street, Ste 1000  
13 Austin, TX 78701-3410  
13 Phone: 512.334.4504  
14 Fax: 512.334.4492  
14 pschlaud@reevesbrightwell.com  
15 mfrederick@reevesbrightwell.com



16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 SAN JOSE DIVISION

19 VIVIAN FIORI ARIZA, and ROGGIE  
20 TRUJILLO,

21 Plaintiffs,

22 v.

23 DELL INC., et al.,

24 Defendants.

Case No. 09 CV 01518 JW

25 **STIPULATION TO RESCHEDULE  
HEARING DATE FOR PRELIMINARY  
APPROVAL OF CLASS SETTLEMENT AND  
TO RESCHEDULE DATE FOR  
SUBMISSION OF PRELIMINARY  
APPROVAL MOTION; [PROPOSED]  
ORDER**

26 **CLASS ACTION**

27 Assigned to the Honorable Judge James Ware,  
Courtroom 8

28 Action filed April 7, 2009

1           WHEREAS, in their Stipulation to Stay Case, filed April 12, 2010, the parties requested  
2 that the Court vacate all pending briefing deadlines and hearing dates and stay this case for 60  
3 days to facilitate mediation;

4           WHEREAS, in their Stipulation to Extend Stay of Case, filed June 10, 2010, the parties  
5 requested that the stay of this case be extended for a period of 33 days, until July 15, 2010, at  
6 which time the parties would advise the Court of the status of settlement discussions and request a  
7 further stay, if appropriate.

8           WHEREAS, in a Joint Status Report filed July 15, 2010, the parties informed the Court  
9 that they had reached a settlement in principle to resolve this case;

10          WHEREAS, on September 15, 2010, the Court entered an Order Vacating Preliminary  
11 Pretrial Conference and Setting Hearing for Preliminary Approval of Class Settlement;

12          WHEREAS, in its September 15, 2010 Order the Court set October 18, 2010 at 9:00 a.m  
13 as the hearing date for Preliminary Approval of Class Settlement, and further Ordered that the  
14 parties shall file their Joint Motion for Preliminary Approval and all supporting documents on  
15 October 4, 2010;

16          WHEREAS, the parties are still negotiating the details of the settlement and are not yet in  
17 a position to execute a formal Settlement Agreement ; in addition, Counsel for Dell is not  
18 available for the preliminary hearing on October 18, 2010,

19          THEREFORE, the parties hereby stipulate, subject to Court approval, that the hearing  
20 date for Preliminary Approval of Class Settlement be set for October 25, 2010, and that the Joint  
21 Motion for Preliminary Approval and all supporting documents shall be filed on October 11,  
22 2010.

1 DATED this 24th day of Sept., 2010

2 Respectfully submitted,

3 **REEVES & BRIGHTWELL L.L.P.**

4 By /s/ Paul Schlaud

5 Paul Schlaud

6 Matthew H. Frederick

7 ATTORNEYS FOR DEFENDANTS DELL INC.,  
8 DELL CATALOG SALES, L.P., DELL  
9 PRODUCTS, L.P., DELL MARKETING L.P.,  
DELL MARKETING L.P., LLC, DELL  
MARKETING G.P., LLC, AND DELL USA L.P.

10 DATED this 24th day of Sept., 2010

11 **STRANGE & CARPENTER**

12 By /s/Gretchen Carpenter

13 Brian R. Strange

14 Gretchen Carpenter

15 ATTORNEYS FOR PLAINTIFFS VIVIAN FIORI  
ARIZA and ROGGIE TRUJILLO

16 DATED this 24th day of Sept., 2010

17 **ROBERTS RASPE & BLANTON, LLP**

18 By /s/Michael Blanton

19 Michael Blanton

20 ATTORNEYS FOR DEFENDANTS BANCTEC,  
INC. AND WORLDWIDE TECH SERVICES, LLC

21  
22 PURSUANT TO STIPULATION IT IS ORDERED THAT THE HEARING FOR  
PRELIMINARY APPROVAL OF CLASS SETTLEMENT IS SET FOR OCTOBER 25, 2010,  
**at 9:00 am.** THE JOINT MOTION FOR PRELIMINARY APPROVAL AND SUPPORTING  
23 DOCUMENTS SHALL BE FILED OCTOBER 11, 2010.

24  
25 DATED: September 28, 2010

  
The Honorable James Ware  
United States District Court Judge

**FILER'S ATTESTATION**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Paul Schlaud,  
attest that concurrence in the filing of this document has been obtained from Gretchen Carpenter  
and Michael Blanton.

By: /s/ Paul Schlaud  
Paul Schlaud

## **PROOF OF SERVICE**

I, the undersigned, declare that I am a resident of the State of Texas, over the age of eighteen years and not a party to the within action. My business address is Reeves & Brightwell, 221 W. 6th Street, Suite 1000, Austin, TX 78701.

On September 24, 2010, I served the following document:

**STIPULATION TO RESCHEDULE HEARING DATE FOR PRELIMINARY  
APPROVAL OF CLASS SETTLEMENT AND TO RESCHEDULE DATE FOR  
SUBMISSION OF JOINT MOTION FOR PRELIMINARY APPROVAL;  
[PROPOSED] ORDER**

**ELECTRONIC FILING:** the within document, the automatically generated notification for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

Brian R. Strange  
lacounsel@earthlink.net  
Gretchen Carpenter  
gcarpenter@strangeandcarpenter.com  
STRANGE & CARPENTER  
12100 Wilshire Blvd., Suite 1900  
Los Angeles, CA 90025  
Telephone: 310-207-5055  
Fax: 310-826-3210

Michael S. Blanton  
mblanton@rrbllp.com  
ROBERTS, RASPE & BLANTON LLP  
Union Bank Plaza  
445 South Figueroa Street  
Suite 3200  
Los Angeles, California 90071  
Telephone: (213) 430-4777  
Fax: (213) 430-4780

Attorneys for Plaintiffs

Attorney for Defendants BancTec, Inc. and QualxServ, LLC

Randall S. Rothschild  
randy.rothschild@verizon.net  
12100 Wilshire Blvd., Suite 800  
Los Angeles, CA 90025  
Telephone: 310-806-9245  
Fax: 310-988-2723

Attorney for Plaintiffs

**MAIL:** by placing a true copy thereof, addressed as set forth below and enclosed in a sealed envelope with postage thereon fully prepaid and deposited for collection and mailing with the U.S. Postal Service pursuant to the ordinary business practice of this office.

**FACSIMILE TRANSMISSION:** a true and correct copy transmitted via facsimile to each addressee listed below.

I declare under penalty of perjury under the laws of the State of Texas that the above is true and correct. Executed in Austin, Texas on September 24, 2010.

/s/ Paul Schlaud  
Paul Schlaud